

State of Nevada
Board of Examiners for Marriage & Family Therapists & Clinical Professional Counselors

MEETING MINUTES

Friday, January 18, 2019 at 9:00 a.m.

Sierra Counseling Center
1855 Sullivan Lane, Suite 145
Sparks, Nevada

and

Kayenta Legacy Conference Room
9418 West Lake Mead Boulevard
Las Vegas, Nevada

Please Note: The Board may (a) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; (b) combine agenda items for consideration by the public body; and (c) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.020, NRS 241.030).

Public comment is welcomed by the Board. Public comment will be limited to five minutes per person and comments based on viewpoint will not be restricted. A public comment time will be available prior to any action items on the agenda and on any matter not specifically included on the agenda prior to adjournment of the meeting. At the discretion of the President, additional public comment may be heard when that item is reached. The President may allow additional time to be given a speaker as time allows and at his/her sole discretion. (NRS 241.020, NRS 241.030) Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. (NRS 233B.126)

Action by the Board on any item may be to approve, deny, amend or table.

1. Call to Order, roll call, Confirmation of Quorum.

Call to order: 9:13am

Absent: Barry Blackburn

Present: SDAG Henna Rasul, SDAG Sarah Bradley, Jake Wiskerchen, John Nixon, Erik Schoen, Steve Nicholas, Marta Wilson, Roberta Vande Voort, Hal Taylor, Adrienne O'Neal.

Public attendees: Jon Ray, Andrea Johnson, Amanda Nielsen, Britany Beck, Taylor Tremayn., Amy Reha, Dominique Nguyen, Matt Burkhardt, Sarah Adler, Eddie Ableser, Merlelynn Harris, Griselda Lloyd, Ashia Abiodun, Marta Pagan, Ana Hernandez, Michelle Cambridge, Don Roberts, Lynne Smith, Julia Catlin, Adrienne Sutherland, Chris Rasmussen, Cathy Cassidy, Brittany Farrow

2. Report from President (Advisement)

Jake W. addressed the meeting and described updates from 2018. He reviewed the board's efforts to streamline the processes and operations of the dual professions (MFT/CPC). The BoE has conformed to the Governor's recommendations and come in line with legal compliances. The board has successfully completed a 4-year audit. The board has worked diligently to maintain transparency and ethically driven practices.

3. Public comment

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

Don Roberts, MFT-I: Mr. Roberts voiced his concerns with the national exam. He has taken the test three times and missed the passing mark by few points. He objects to the merits of the test's passing mechanism; he suggests that the NV Board has a standard pass percentage. He noted how anxiety provoking the test process is.

Anna Hernandez, CPC-I: Added that she objects to the strict nature of the national examination process. She questions if portions of the exams can be given passing consideration. She echoed the frustrations of Don Roberts.

Michelle Cambridge, MFT-I: Michelle added to the support for a flat passing score on the national exams. Beginning the process over again, multiple times, is "discouraging," daunting, time consuming, and very frustrating.

Jon Ray voiced his support for SB 37. He agrees that treating psychosis falls within the scope of practice for MFTs. Additionally, the shortage of therapists in NV is concerning.

Amy Reha, CPC-I: Ms. Reha revealed that her education and work in TX has trained her to treat clients with psychosis. Additionally, she voiced her abilities and training for psychometric testing. She believes that not being able to treat clients is unethical.

Brittany Beck, CPC-I: Adding to what Ms. Reha said, expanding the scope of practice would better serve the communities of NV.

Taylor Tremayn, graduate student: Taylor supports the expanded scope of practice.

Helen Foley, NV MFT representative: Described the protocols for public and Board member deliberations.

4. Discussion, recommendation, and possible action regarding review and approval of minutes from the following meetings: (For possible action)

November 16, 2018:

Hal states that we should note that the Board came out of session after the closed session.
Motion to approve with amendment: 1st: Erik. 2nd: Roberta. Vote: Jake. Passed unanimously.

December 14, 2018:

Motion to approve: 1st: Erik. 2nd: Marta. Vote: Abstentions: Adrienne, Roberta, Hal. Passed unanimously.

December 19, 2018:

Hal commented on item #4. The members should report to the Board about meetings that they attend outside of the BoE.

Jake wanted to augment Erik's statement: The Board prioritized license renewals over implementation of the new website.

Motion to approve with amendment: 1st: Erik. 2nd: Steve. Vote: Passed unanimously.

Recess until 10:00 a.m.

Call to Order: 10:04am, roll call, Confirmation of Quorum.

5. Disciplinary hearing on Complaint and Notice of Hearing in the Matter of Cathy Cassidy. This agenda item may include review and consideration of any motions (For possible action)

**This agenda item was reviewed in closed session (NRS 241.020, NRS 241.030).
Called to order in closed session: 10:04am**

Hal Taylor will abstain from all voting relating to item #4. He recuses himself as he was the investigator will provide testimony.

SDAG Henna Rasul:

Chris Rasmussen (representing Cathy Cassidy): Ms. Cassidy has agreed to the terms and a consent decree will be provided at the next board meeting.

Open Meeting resumed at 10:07am.

6. Public hearing on proposed temporary Nevada Administrative Code Regulation (NAC) 641A.085, subsection (7)(b)(4)*. The board will receive and hear all public comment regarding LCB file number R094-18 for changes to Chapters 641A of the Nevada Administrative Code. Public comment may be made in person or submitted in writing.

*The grandfather clause is the common term for this item.

Eddie Ableser., CPC: Eddie voiced his support for the newest language within this regulation. He believes that our unified profession will allow an improved service to our clients and communities.

Merlelynn Harris, MFT: Ms. Harris voiced her concerns with the fluidity and consistency of accredited vs non-accredited programs. How can interns who lack a class become compliant? Simply, she hopes for clarity and rationale. Jake added that the BoE has attempted to simplify the process by giving accredited programs the benefit of doubt for qualified graduates. Hal added that our regulations are now designed for greater clarity and transparency.

John wants to consider extending the 2021 date by an additional year or two. Hal, Erik, John, Jake, and Steve discussed the inclusivity of an extension. The grandfather clause will help candidates be comprehensively trained within a longer window of time. Marta wants to include an option for candidates who are enrolled in programs lacking 60 credits.

7. Consideration of public comment and possible adoption of LCB file number R094-18. The Board will consider fully all public comment received regarding the proposed regulatory changes under agenda item 5. This agenda item may involve the Board proposing changes to the regulation after consideration of all public comments and determine whether to adopt the regulation. (For possible action)

Motion to amend (7)(b)(4) to 2023. 1st: Erik, 2nd: John. Vote: passed unanimously.

Motion to approve as amended. 1st: Erik, 2nd: John. Vote: passed unanimously.

8. Review/decision regarding the following licensees who have petitioned the Board to be Primary Supervisors for Marriage and Family Therapist (MFT) and Clinical Professional Counselor (CPC) Interns: (For possible action)

Supervision Applicant	Mentor	Mentor Contract	AAMFT Approved Supervisor or CCE Approved Certificate/Supervisor Course
Cara Elliott, MFT	Yes	Yes	Yes
Nancy Wilson, MFT	Yes	Yes	Yes
Debra Maddox, CPC	No	No (Transcript)	No
Stephanie Falke, MFT	No	No	Yes

Motion to approve Cara Elliott and Nancy Wilson: 1st: Erik, 2nd: Steve. Vote: passed unanimously.

Motion to deny Debra Maddox due to lack of required 25 hours of mentored supervision: 1st: Steve, 2nd: Erik. Vote: passed unanimously.

Motion to approve Stephanie Falke: 1st: Erik, 2nd: Marta. Vote: passed unanimously.

9. The following have submitted plans to be approved by the Board for CPC-Interns and MFT-Interns to engage in private practice and **In-Home Therapy** at facilities without a Licensed Mental Health Professional on the site: (For possible action)

Site	Supervisee	Supervisor	Administration	Signatures	Consulted Policy	Previously Approved Agency
All About You	Amy Martinez, MFT-I	Leticia Murphy, MFT*	Yes	Yes	Yes	Yes

*Board Approved

Motion to approve: 1st: Erik, 2nd: Hal. Vote: passed unanimously.

10. Marta Wilson petitions the board for further discussion regarding national exams for MFT and CPC licensure (For discussion/possible action)

Marta would like us to review the law and consider establishing a flat pass percentage for NV test takers. Jake inquired about the historical standards and statutes. Prior to 2007, the passing grade was 70%. John wanted to know if changing the pass rate is within the Board's power and ability. Hal voiced his concerns about the NV BoE changing the criteria established by the national exam. Hal supports the rigor and high standards of licensing exams while sympathizing with the anxiety-provoking nature of the exams. Roberta is concerned with the high rate of non-passage. She added that she would like the BoE to look deeper into the national exam's organization and protocols. Marta has expressed her consistent inquiry with AAMFT and the lack of response from the organization. John is also concerned with the lack of response from the test makers. John is interested in establishing a standard pass percentage. Erik wants to continue this conversation in the future after we have obtained more information from the national organizations and the test creators. Adrienne asked if we can track pass/fail data with NV interns. Jake would like to track data for training programs as well.

11. John Nixon petitions the board to discuss the Board obtaining membership to the American Association of State Counseling Boards (AASCB) (For discussion/possible action)

John has communicated with AASCB and sees an advantage for the NV BoE to affiliate with AASCB. The advantages are to help NV understand issues dealt with in other states (regulatory bodies). This would include interstate collaboration and portability or reciprocity of licensures. This affiliation also consults with national licensing exam creators. The fees for membership are modest (\$900/year) and seemingly would not be a large expenditure.

Motion to join AASCB. 1st: John, 2nd: Marta. Vote: passed unanimously.

Recess at 11:11 a.m.

Call to Order, roll call, Confirmation of Quorum.

Call to order: 11:22 a.m.

12. Board consideration of amendments to SB 37 (For discussion/possible action)

Items B, C, and D: These considerations are specifically included in the training of a clinical psychologist. The Nevada Psychological Association (NPA) wishes to ensure safety of patients. The NPA wants to clearly outline the limitations of psychometric testing.

The NV MFT Family Team hopes to eliminate lines 12 through 16.

Ashia Abiodun: voiced support and advocacy of MFT scope. AAMFT dissolved and the NV MFT Family Team is the state level organization for MFT advocacy.

Helen Foley, NV MFT representative: Section 1, subsection 2-the removal of limitations of scope. Ms. Foley described the history of CPCs in NV and the differences between MFTs and CPCs. She described the historical rationale of the differing criteria. She argues that the law should remain the same and that the BoE should reevaluate how applicants can demonstrate scope of competency and scope of practice. Ms. Foley stated that practitioners who are systemically trained are specifically able to treat couples and families where other licenses are not as able. Regarding psychometric testing, Ms. Foley defers to other licensees. Ms. Foley disagrees with the reallocation of BoE members. The percentages of practitioners are not appropriately represented on the BoE. Ms. Foley agrees with the increase of fees.

Merlelynn Harris: Reviewed the dissolution of the NAMFT chapter of AAMFT. She invited all licensees to consider application.

Griselda Lloyd: Hopes that the verbiage “psychometric assessments or tests to determine intelligence, personality or aptitude” is removed. Additionally, remove “interest or addictions.” She supports keeping lines 12-16.

Sarah Adler: Ms. Adler read a letter from the CEO of Vitality. She supports the expansion of scope for CPCs and MFTs.

Adrienne Sutherland (CPC): Ms. Sutherland voiced support of license equity. She adds that scope of competence is intact and that all practitioners are tasked with maintaining training and competence.

Eddie Ableser (CPC): Mr. Ableser notes the historic discrepancies from the MFT licensure. He hopes that the BoE will embrace the expanded abilities of both licenses. He supports an equally divided board.

Julia Callin (CPC): Ms. Callin expressed her gratitude for the current conversation that aims to expand the scope of both licenses. She described that divisive conversations hold the treatment community back from healthful progress in NV. Ms. Callin reviewed the criteria for psychometric testing and how CACREP programs satisfactorily train practitioners. She added that more restricted language (SB37) will delay harmonious application of services. Ms. Callin supports the increase of licensing fees.

Andrea Johnson (CPC): Ms. Johnson supports the language of SB37 and the expansion of scope. She also supports the equal representation of BoE membership. Ms. Johnson supports the increase of fees.

Amanda Nielsen (LSW): Ms. Nielsen supports the expansion of scope for CPCs. She acknowledged the historic exclusions and she supports harmonization of the skillsets. She added that the expansion of scope will allow the treatment of more people in quicker timelines.

John communicated his support for the expansions associated with SB37. This bill needs 2/3 votes in order to pass.

Hal. reviewed the tumultuous history of the Board’s development of regulations. Mr. Taylor expressed how the regulations have adapted throughout time. There are places in the State of NV that deserve more mental health practitioners. He is expressly concerned with the bill’s chances of

passage, noting that if the bill does not pass we will lose the new fee structure.

Steve expressed concerns about the viability of the bill. His priority concern is with the successful passage of the revenue generation. If the bill fails, the BoE will not have permission to raise fees.

Erik advocated for the expansion to treat psychosis. Mr. Schoen described the need in NV for independent practitioners who can treat psychosis.

John hopes to put forth language that describes the consideration of psychotic disorders. He is supportive of several measures yet cautionary with others. Thus, Mr. Nixon does not support the totality of NPA's proposed amendment.

Erik and Jake voiced support for NPA's amendment of items B, C, and D with the removal of "interests and addictions." Line 17: "The term does not include" items B, C, and D.

Multiple members offered thoughts reviewing the multitude of directions contained in the proposed bill. Particularly, the bill items that address: psychosis, fees, psychometric testing, BoE membership, etc. The members agree that MFT/CPC licenses are trained to use the entire DSM-V.

Motion to put forward SB37 with the inclusion of NPA's suggestion of B, C, and D while striking the words "interests, or addictions." (see below): 1st: John 2nd: Steve. Vote: Passed unanimously.

b.) the use of psychometric tests, assessments, or measures including psychological, neuropsychological, developmental, neurodevelopmental, cognitive, intelligence, achievement, personality, and projective tests

c.) the use of psychometric tests, assessments, and measures as listed above to determine level of development, intelligence or cognitive abilities, educational or employment aptitude, level of academic achievement, personality, interests, or addictions

d.) the use of psychometric tests, assessments, and measures as listed above to diagnose neurodevelopmental disorders, neurocognitive disorders, and/or other developmental, learning, behavioral, or mental disorders"

13. Board consideration of allocating funding and retaining lobbyist services for SB 37 (For discussion/possible action)

Jake described his hesitation to retain a lobbyist as the BoE doesn't have funds to have a complaint investigator. Erik agreed that the current funds are too lean to maintain lobbying services. Erik added that he believes that the bill has many supporters and that we are trying to be careful stewards of our funds.

Steve thinks that the funding of a lobbyist is appropriate.

Motion to not retain a lobbyist. 1st: Hal, 2nd: John. Vote: Nay-Steve, Marta. Passed. 6-2.

14. Board consideration of lobbyist services from Helen Foley (For discussion/possible action)

This item was pulled considering prior decisions.

15. Board consideration of offering a Board-hosted training offering free CEUs in Las Vegas following an upcoming board meeting (For discussion/possible action)

Tabled until further notice.

16. Report from President (Advisement)

Jake has spoken to several other mental health coalitions and organizations in effort to coordinate information and future ambitions.

17. Report from Treasurer (Advisement)

Roberta reviewed the consistent collections of dues and fees. She noted the hard work of all associated.

18. Report from Executive Director (Advisement)

Stephanie reported that the Board has successfully renewed over 1000 licenses. She hopes to shift her focus on outstanding complaints. She gave credit to the entire staff for their dedication and hard work.

19. Report from Senior Deputy Attorney General Henna Rasul

No report.

20. Board member comments

Marta: She wants the letters that were mailed to the members to be read and considered.

21. Discussion regarding future agenda items and future meeting dates:

- SB37 updates

a. Friday, February 15th @ 9:00am

b. Friday, March 15th @ 9:00am

c. Friday, April 19th @ 9:00am

22. Public comment.

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)
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Helen Foley: She clarified her comments about potential opposition. She largely supports the bill and agrees to continue working with the BoE.

23. Adjournment (For possible action)

1:19 pm.